

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8702 of 2025

Arising Out of PS. Case No.-1288 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Mukhtar Alam S/o- Late Sahebjan @ Md. Saheb Jan Resident of village-
Baltharwa PS - Piprakothi District- East Champaran, A/P- Flat NO-304,
Building 22 Evershine Millennium Paradise, Thakur Village- Mumbai
Suburban Maharashta

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sadam @ Saddam Hussain S/o- Late Md. Sirajuddin Resident of
village- Baltharwa PS - Piprakothi District- East Champaran,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 02-07-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of the
complainant.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 406 of the
Indian Penal Code.
3. Learned counsel for the petitioner submits that the
complainant in the complaint has alleged that the petitioner
received money from the complainant for registering land
pertaining to Khata No. 107, Khesra No. 1167, area 4 dhurs but
then the land was not registered nor the amount was returned.
4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



complainant. It is further submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour is given. It is next submitted that if petitioner received any amount from the complainant in lieu of executing the sale deed with respect to the land and the sale deed was not executed in that event the complainant had remedy of approaching a Court of competent civil jurisdiction for recovering the amount by filing a money suit. It is also submitted that the complainant claims that in the year 2017, some amounts were credited in the account of the petitioner for executing the sale deed with respect to the land aforesaid, it is, thus, submitted that if what has been alleged by the complainant is true, that the amount was credited in the account of the petitioner in lieu of executing sale deed with respect to a piece of land in the year 2017, in that event the complainant cannot claim the money by filing a money suit as the same has become time barred, as such, the instant false criminal case has been instituted. It is further submitted that had the complainant moved before a Court of competent civil jurisdiction in that event the petitioner would have appeared and rebutted the claim. It is next submitted that petitioner and the complainant are known to each other and are having friendly relationship and the complainant had taken a loan of Rs.3 lakhs for which a complaint case was filed in pursuance whereof



Piprakhoti P.S. Case No. 340 of 2020 was instituted and it was only then that the instant complaint came to be instituted alleging that the money in the account of the petitioner was transferred in the year 2017.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that a purely civil dispute has been given a criminal colour.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No. 1288 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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